



## MINUTES OF THE GILA COUNTY

### BOARD OF ADJUSTMENT

Thursday, August 4, 2016

GILA COUNTY BOARD OF SUPERVISORS CONFERENCE ROOM

610 E Highway 260, Payson, AZ

10:00 am

#### REGULAR MEETING

1. The meeting was called to order at 10:12 am by Chairman Don Ascoli.
2. Pledge of Allegiance was led by Chairman Don Ascoli.
3. Roll Call: Bill Hanna did the roll call; Chairman Don Ascoli, Travis Williams, Mickie Nye, and Kurtis Knauss were all present. A quorum is present.

Community Development Staff Members Present: Robert Gould-Planner, Bill Hanna-Code Compliance, Scott Buzan-Building Official, and Margie Chapman Code Compliance Supervisor/Zoning Assistant.

4. Review and Approval of the Board of Adjustment Minutes of June 16, 2016. Chairman Don Ascoli asked if there were any changes needed to the minutes. No changes were suggested. Mickie Nye motioned that the minutes be approved as is and Travis Williams seconded the motion. The motion was unanimously approved.
5. **Planner/Commission Communication:** At any time during this meeting of the Board of Adjustment, Planner Bob Gould of Community Development may present a brief summary of current events. Mr. Gould did not have any comments at this time.

#### HEARINGS

Public Hearing

#### VARIANCE HEARING

6. **V-16-03 Application by Glen and Marilyn Tenney:** Application for a variance on Gila County Tax Assessor Parcel 301-04-046, located at 5121 James Circle, Strawberry, AZ. The applicant is requesting a variance from the seven (7) foot side yard setback requirement to allow existing metal carport, currently within one (1) foot from the side property line, to remain in the current location.

Planner Bob Gould presented the Staff Report Overview. The Board of Adjustment may allow a variance from the terms of the Ordinance when, owing to particular conditions, a strict interpretation would work an unnecessary hardship, if in granting the variance the general intent on the purposes of the zoning ordinance will be preserved. A previous property owner built a carport and shed on the side of the property. The carport extends into the required side yard setback. The required side yard setback is seven (7) feet. The carport is one (1) foot from the property line. This condition has existed for about 12 years. This condition was discovered when the owners came in for a building permit and needed to be corrected.

Chairman Don Ascoli asked for clarification if the carport is 1 or 2 feet from the property line. Scott Buzan did a site visit. There is a metal wall of the carport 1 foot from the property line. This metal wall separates the shed. The building codes allow zero setbacks with a noncombustible metal wall. Mr. Ascoli stated that the staff report did not contain pictures of the structure. He requested that pictures of the items being discussed be included in future staff reports. There is a discussion with Scott Buzan of which sides of the carport are a metal wall and which are open. Mickie Nye stated concern about realtors selling property without verifying if the structures are built with a building permit. He felt the buyers should not have been placed in this position and having to correct this. Bob Gould stated state law requires review of waste water systems but not structures. Mr. Ascoli agreed and asked Bob Gould the best way to address this. Mr. Gould believes Gila County can require realtors to notify Community Development to do an inspection but he needed to research this. Mr. Ascoli asked what triggered the need for a variance. Mr. Gould stated the owners came in for a building permit. A zoning issue would not come to our attention without a complaint. Mr. Ascoli asked if there were any more questions. Scott Buzan stated this structure must remain an unenclosed carport. Building issues will not allow this structure to be modified. Mr. Buzan explained these issues. Mr. Ascoli asked how will this be enforced? How will a new owner know about these stipulations? There is discussion about enforcement and recording these stipulations to deed. No further comments from the board members.

The meeting was opened to public comment. The property owner restated the situation. No further comments. The public comment portion of the meeting was closed.

Mickie Nye motioned to approve V-16-03 with the stipulations recorded to deed. This includes that the carport cannot be enclosed and no wall penetrations. The motion was seconded by Travis Williams. The motion was approved unanimously.

7. Adjournment. Travis Williams made a motion to adjourn the meeting and Mickie Nye seconded the motion. The motion to adjourn was unanimously approved at 10:39 AM.